IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 17607 of 2004

Between:

M/s K.K.Polymers (P) Ltd., Moosapet Village, Addakal Mandal,
Mahaboobnagar District, Represented by its Managing Director-Sri K.K.Srinivas Sagar.

..... PETITIONER

AND

The Additional Commissioner, Office of the Commissioner of Customs and Central Excise, Hyderabad-III Commissionerate,
L.B.Stadium Road, Basheerbagh, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or order or direction more particularly one in the nature of writ of Certiorari by calling for the record pertaining to the order in Original No.26/2004 ADC, dated 22.07.2004 on the file of the Hyderabad-III-Commissionerate, Office of the Commissioner of Customs and Central Excise, Hyderabad and to quash the same holding that the said order is passed in violation of principles of natural justice.

Counsel for the Petitioner: MR.RAJA REDDY KONETI

Counsel for the Respondent: MR. A. RAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage made the following:

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

The order of assessment passed by the Additional Commissioner under the Central Excise Act, 1944 (for short "the Act") has been challenged in this writ petition.

The order is appealable under Section 35B of the Act. Since an efficacious alternative remedy is available to the petitioner, we do not consider it to be a fit case, in which this Court, at this stage, should intervene.

The writ petition is accordingly dismissed. No order as to costs.

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(BILAL NAZKI, J)

4th October, 2004.

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(S.ANANDA REDDY, J)

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To

1. The Additional Commissioner, Office of the Commissioner of Customs and Central Excise, Hyderabad-III Commissionerate,
L.B.Stadium Road, Basheerbagh, Hyderabad.

2. Two CD copies